

**THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Miscellaneous Application No.01 of 2023
in
Original Application No.90 of 2022 (SZ)**

Krishnasamy
S/o.Chinnappa Nadar
No.721, Malayandipattinam Pirivu
Thungavi, Madathukulam Taluk
Tiruppur District

...Applicant

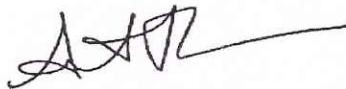
Vs

1. The District Collector,
Tiruppur District & 2 others..

...Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED BY THE 2ND RESPONDENT - TAMIL NADU POLLUTION CONTROL BOARD.	1 - 5



**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

**THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Miscellaneous Application No.01 of 2023

in

Original Application No.90 of 2022 (SZ)

Krishnasamy
S/o.Chinnappa Nadar
No.721, Malayandipattinam Pirivu
Thungavi, Madathukulam Taluk
Tiruppur District

...Applicant

Vs

1. The District Collector,
Tiruppur District.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Palladam, Tiruppur District
3. M/s Jayam Blue Metals
Tiruppur District.

...Respondents

REPORT FILED BY THE 2ND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, V. Swaminathan, S/o. R. Varadharajan, Hindu, aged about 57 years having office at 12A, Pollachi By-Pass Road, Palladam, Tiruppur-641 664, do hereby solemnly affirm and sincerely state as follows:

1. I am the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur (South), Tiruppur District and I am filing this Report on behalf of the Respondent Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.
2. It is respectfully submitted that the Applicant has filed this Miscellaneous Application with the following among other prayers:

“ i) Direct the 2nd Respondent Tamil Nadu Pollution Control Board to cancel the license of the 3rd Respondent according to the Environment

o.k.
11/11/22
District Environmental Engineer
Tamilnadu Pollution Control Board
Tiruppur South @ Palladam

(protection) Act, 1986 against the 3rd Respondent for their wilful violation of provisions of law,

ii) Direct the 2nd respondent Tamil Nadu Pollution Control Board to take appropriate action according to the Environment (Protection) Act, 1986 against the 3rd Respondent for their wilful violation of provisions of law,

iii) Appoint an expert committee to undertake comprehensive study on the damage caused till date to the Applicant, nearby residences and environment for the work that is under progress till date,

iv) Impose exemplary costs on the project proponent and initiate action against the wilful defaulters according to the Section 28 of the NGT Act, 2010”

3. It is respectfully submitted that this miscellaneous application is filed in respect of the order dated 26.09.2022 passed by this Hon'ble Tribunal in O.A.90 of 2022 wherein this Respondent was directed as under:

“11. When it is found by the Pollution Control Board itself that after the ‘Consent to Establish’ was granted, the unit was being run unauthorisedly with the help of the mobile crusher without getting the ‘Consent to Operate’ leading to such pollution which was complained by the applicant, the Pollution Control Board has to assess the Environmental Compensation. Therefore, it would be appropriate to direct the Pollution Control Board to assess Environmental Compensation as admittedly the 3rd respondent had not installed any air pollution control measures. Based on the report filed by the Pollution Control Board and the directions issued to the Pollution Control Board to assess the Environmental Compensation, the grievance of the applicant is addressed and the application is disposed of.”

4. It is respectfully submitted that in compliance with the order dated 26.09.2022, this respondent calculated Environmental Compensation to be imposed on the 3rd Respondent as Rs.4,60,938/- (as per the CPCB guidelines). A Show Cause Notice dated 01.02.2023 was issued to the 3rd Respondent under Section 5 of the Environment Protection Act, 1986. The

RAJ
14/8/23
District Environmental Engineer,
Tamilnadu Pollution Control Board
Tiruppur South @ Palladam

3rd Respondent remitted the Environmental Compensation vide its letter dated 04.05.2023.

5. It is respectfully submitted that the 3rd Respondent applied and obtained "Consent to Operate - Direct" of the Board for the change in product (i) Various sizes of Blue metals (1-1/2", 3/4", 1/2", 1/4") – 116.66 Tons/Day, (ii) M-sand – 50 Tons/Day (iii) Stone dust-16.60 Tons/Day vide Proceeding dated: 29/12/2022 valid till 31.03.2024. The unit has provided air pollution control measures such as (i) G I Sheet Covered with water sprinklers arrangement to the Jaw Crusher-2 Nos & Vertical Shaft Impactor (ii) G I Sheet cover to the Conveyor Belt Vibratory Screen - 2 Nos (iii) Water sprinkler system within the unit premises, vehicular movement, loading and unloading area.
6. It is respectfully submitted that the applicant herein filed a Writ petition before the Hon'ble High Court of Judicature at Madras vide W.P. No. 8086 of 2023 against the operation of the unit M/s. Jayam Blue Metals located at S.F.No.213/1C1A1,213/1C1A2, Thungavi Village, Madathukulam Taluk, Tiruppur District for (i) Operating the crusher 24x7 daily and (ii) causing health hazards to his family and (iii) the Tamil Nadu Pollution Control Board has failed to assess the Environmental Compensation as per the order of Hon'ble NGT(SZ), Chennai order dated; 26.09.2022.
7. It is respectfully submitted that the 3rd Respondent unit was inspected on 26.04.2023 and 14.06.2023 by the officials of the 2nd respondent and the following were observed:
 - a) The unit was found under operation.
 - b) Jaw crushers with vibrator – 1 No., Cone Crusher with vibrator – 1 No., VSI Machine with vibrator – 1 No. & washing machines (M Sand) – 1 No were found installed.
 - c) GI sheet in all four sides with 13 feet height were provided by the unit to prevent the dust to the nearby coconut farms located adjacent in the northern side of the unit.


14/6/23
District Environmental Engineer
Tamilnadu Pollution Control Board
• Tiruppur South @ Palladam

- d) Telescopic chutes at the product unloading conveyor were provided by the unit to prevent dust release into atmosphere during free fall of materials from the height.
- e) The unit has provided GI sheet cover to the jaw crushers, vibrator section and wind shade net was provided to the conveyers.
- f) Water sprinkler system was provided to control dust emission arising within the premises.
- g) Tanker lorry arrangement was made for spraying water continuously in the approach road and wherever there is movement of vehicles.
- h) The sewage of 0.9 KLD generated from the unit was being disposed through septic tank and soak pit arrangement.
- i) Settling tanks in series were provided to treat the trade effluent generated from the M-Sand manufacturing activities for the collection of fine dust and the washed water and the trade effluent is completely recycled in the process.
- j) Water sprinkler arrangement was provided for the control of fugitive emission arising from the unit activities.
- k) Water spray in the conveyor chutes at the discharge point of the aggregates was provided.
- l) Water sprinkler at the feed point of jaw crusher and discharge point of screened stone was provided.
- m) Green belt is being developed in and around the periphery of the unit.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice.

CAI
14/12/23
District Environmental Engineer
Tamilnadu Pollution Control Board
Tiruppur South @ Palladam

VERIFICATION

I, V. Swaminathan, S/o.R. Varadharajan, working as District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruppur (South), Tiruppur District, do hereby submit that the above contents are true to the best of my knowledge and belief through records.


District Environmental Engineer
Tamilnadu Pollution Control Board
Tiruppur South @ Palladam

**THE HON'BLE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Miscellaneous Application No.01 of 2023
in
Original Application No.90 of 2022 (SZ)**

Krishnasamy
S/o.Chinnappa Nadar
No.721, Malayandipattinam Pirivu
Thungavi, Madathukulam Taluk
Tiruppur District

...Applicant

Vs

1. The District Collector,
Tiruppur District & 2 others..

...Respondents

**REPORT FILED BY THE 2ND RESPONDENT
- TAMIL NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondent- TNPCB:
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:15.09.2023

Hearing date on:25.09.2023.